

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: TODD J. MORTIER and CYRIL J. SCHWEICH JR.

Application No. 09/981790

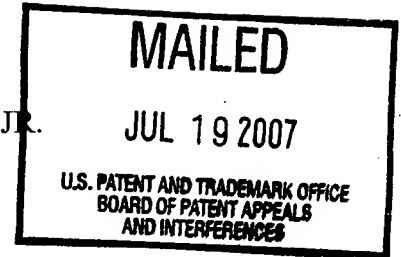
ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 5, 2007. A review of the application has revealed that the application is not ready for review and consideration. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

Appeals Conference

On April 05, 2006, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that it is not in compliance with the appeals conference requirement as set forth in the Manual of Patent Examining Procedure (MPEP) § 1208.



The conferees signatures are missing from the electronic file copy.

According to MPEP § 1208:

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal.

On the examiner's answer, below the primary examiner's signature, the word "Conferees" should be included, followed by the type or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

The Examiner's Answer was not signed or initialed by any of the appeals conference participants. Appropriate correction is required as required under MPEP § 1208.


CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) to obtain the conferee's initial or signature on the Examiner's Answer; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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Application No. 09/981,790

PJN/jgr

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